

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO (CLEVELAND)

ShieldMark, Inc.	)	
	)	Case No.: 1:12-CV-00223-DCN
Plaintiff,	)	
	)	Judge Donald C. Nugent
v.	)	
	)	
InSite Solutions, LLC.	)	
	)	
Defendant.	)	

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT  
OF NON-INFRINGEMENT**

Now comes Defendant InSite Solutions, LLC (“InSite”) and, in view of this Court’s Memorandum Opinion and Order (Doc. 54) construing the claims of the patent-in-suit, moves this Court for a summary judgment of non-infringement, disposing of this action.<sup>1</sup> As a consequence of that “*Markman* ruling,” there is no genuine dispute as to any material fact and InSite is entitled to judgment as a matter of law on its affirmative defense of non-infringement.

s:/Ray L. Weber  
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<sup>1</sup> Upon granting of this Motion for Summary Judgment, InSite will dismiss, without prejudice, its counterclaims of invalidity and unenforceability advanced herein, reserving the right to resurrect the same in the unlikely event this case should be remanded for further proceedings, or should any future actions be commenced by ShieldMark.

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2013 the foregoing **DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Ray L. Weber